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PATENTS
GC/7982ACIPCON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : Mingchih M. Tseng
Serial No. : 08/926,819 Confirmation No. 7560
Filed : September 10, 1997
For : SHAVING SYSTEM
Group Art Unit : 3724
Examiner : Clark F. Dexter

FAX RECEIVED

AUG 17 2001

GROUP 3700

New York, New York
August 16, 2001

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

SUPPLEMENTAL REQUEST FOR DECLARATION OF AN
INTERFERENCE PURSUANT TO 37 C.F.R. § 1.604

Sir:

Applicant respectfully requests continuation of prosecution of the above-identified application ("Tseng '819") and declaration of an interference with Wexler et al. U.S. Application No. 08/285,364 (and any application

claiming benefit from that application, hereinafter "Wexler '364"), pursuant to 37 C.F.R. § 1.604.*

Tseng '819 is a continuation of Tseng U.S. Application No. 08/461,318 ("Tseng '318"), filed June 20, 1995, a continuation-in-part of Tseng U.S. Application No. 08/269,495, filed on July 1, 1994, now abandoned.

REMARKS - BASIS FOR REQUEST FOR INTERFERENCE

Tseng believes that Wexler '364, or another application in that family, may have allowed claims directed to subject matter very similar to claims pending in Wexler's European Patent application 95923840.3 (EP 773855) (copy of claims 1 and 2 from Wexler's July 10, 2001 submission to the EPO is attached as Exhibit A). Tseng's claim 38, which is substantially similar to Wexler's EPO claim 1, has been allowed to Tseng (see October 23, 2000 Office Action). Thus, it is probable that Tseng's application and Wexler '364 have claims directed to the same subject matter, and should be in Interference. Tseng claims 27-31 and 39-41 also are directed to the same patentable subject matter as Wexler '364 (of which claim 39 has been allowed).

During prosecution of Tseng's '318 parent application, on October 17, 1996, Tseng requested

* On July 9, 2001, the Examiner suspended prosecution of this application for a period of six months in view of the pendency of Interference No. 104,428.

declaration of an interference with Wexler '364 pursuant to 37 C.F.R. § 1.604. In addition, Tseng reiterated his request for interference on page 9 of his April 20, 2001 Reply To Examiner's Action in the '819 application. On this basis, Tseng has identified this request as a supplemental request.

The above-mentioned applications are directed to a razor cartridge containing an indicator strip constructed to change in appearance during use of the razor cartridge to reflect shaving aid depletion.

Pursuant to 35 U.S.C. § 102(g), priority of invention is awarded to the first inventor to make the invention. Tseng believes that the allowed claims in his application show that he is the first inventor of the claimed subject matter. As Tseng's claims and Wexler's claims are directed to the same invention, an interference should be declared to determine priority of invention.

The earliest filing date to which Wexler may be entitled is August 3, 1994. Tseng '819 has an effective filing date of July 1, 1994. The July 1, 1997 Declaration Of Mingchih M. Tseng Under 37 C.F.R. § 1.131 (filed in the parent '318 application) establishes that his invention was conceived and reduced to practice prior to January 28, 1994. Based on this record, Tseng is the prior inventor and should

Conclusion

Applicant respectfully requests that the Examiner continue prosecution of this application, and that, pursuant to 37 C.F.R. § 1.604, the Examiner request that an interference be declared on the basis of proposed Count 1, Tseng claims 27-31 and 38-41 and the appropriate claims of Wexler '364 (and any application claiming benefit from Wexler '364), including those claims corresponding or comparable in scope to claims 1-2 of Wexler's EPO application.

Applicant respectfully notes that all previously asserted rejections in the prosecution of the interfering claims have been overcome. Applicant submits that the Examiner's rejections in the October 23, 2000 Office Action have been overcome by the amendments and arguments presented in the April 20, 2001 Reply To Examiner's Action.

Respectfully submitted,



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EXHIBIT A

18:06 JUL 18, 2001

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10 July 2001

Sent by Fax and Mail

Dear Sirs

European Patent Application No. 95923840.3
WARNER-LAMBERT COMPANY
Our Ref: PFIG/M6883EP

We write in reply to the official communication dated 19 January 2001.

We file herewith in triplicate an amended version of the Main Request, and an Auxiliary Request. We discuss each request in turn below.

MAIN REQUEST

Amendments

We have amended Claim 1 of the Main Request by changing "thermoplastic material (31) and shaving aid material (22)" in lines 3 to 4 of the claim, to read, "thermoplastic shaving aid material (21) characterised in that ...".

We have also amended the last part of Claim 1 to read, "comprises a visible coating (60) disposed on less than the whole of the top surface of the shaving aid (21) so as to define one or more sections of coating that are differently coloured than the shaving aid material, the said coating including at least one colouring agent (20)."

We have deleted former Claim 20.

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MAIN REQUEST

CLAIMS

1. A shaving aid (11) for a razor, comprising thermoplastic shaving aid material (21) characterised in that it comprises a means (20,21) for indicating a change in the amount of shaving aid material (22), wherein the said means for indicating a change in the amount of shaving aid material comprises a visible coating (60) disposed on less than the whole of the top surface of the shaving aid (21) so as to define one or more sections of coating that are differently coloured than the shaving aid material (21), the said coating including at least one colouring agent.
2. A shaving aid (11) according to Claim 1, wherein the thermoplastic shaving aid material (21) is of a first colour and the at least one coloring agent is of a second color (32).

IN RE APPLICATION NUMBER: 08/926,819 Confirmation No. 7560

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